

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

G., PARENT AND NEXT FRIEND OF) Civ. No. 08-00551 ACK-BMK
K., A DISABLED CHILD, ET AL.,) Civ. No. 09-00044 ACK-BMK
) (Consolidated)

Plaintiffs,)

vs.)

STATE OF HAWAII, DEPARTMENT OF)
HUMAN SERVICES, ET AL.,)

Defendants.)

G., PARENT AND NEXT FRIEND OF)
K., A DISABLED CHILD, ET AL.,)

Plaintiffs,)

vs.)

UNITED STATES DEPARTMENT OF)
HEALTH AND HUMAN SERVICES, ET)
AL.,)

Defendants.)

**ORDER GRANTING PLAINTIFFS A.'S, S.'S, C.J.'S, AND H.T.'S MOTION
FOR LEAVE TO WITHDRAW AND FOR AN ORDER DISMISSING THEIR CLAIMS
WITHOUT PREJUDICE**

On September 17, 2009, Plaintiffs A., S., C.J., and H.T. filed a motion, pursuant to Fed. R. Civ. P. 41(a)(2), for leave to withdraw and for an order dismissing their claims without prejudice. On September 21, 2009, Defendants, the State of Hawaii, Department of Human Services ("State DHS"), and Lillian B. Koller, in her official capacity as the Director of

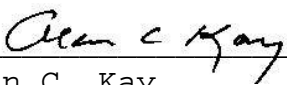
the State DHS, and Intervenor, Wellcare Health Insurance of Arizona, Inc. d/b/a Ohana Health Plan ("Ohana") and United Healthcare Insurance Company d/b/a Evercare ("Evercare"), filed statements of no position as to the motion. On September 22, 2009, Defendants, the United States Department of Health and Human Services ("Federal DHHS") and the Secretary of the Federal DHHS, filed a statement of no position as to the motion.

The Court finds it appropriate to grant Plaintiffs A., S., C.J., and H.T. permission to withdraw from this action. In addition, pursuant to Fed. R. Civ. P. 41(a)(2), the Court finds that the dismissal of their claims without prejudice is proper. Accordingly, the motion to withdraw and for dismissal without prejudice is granted.

IT IS SO ORDERED.

Dated: Honolulu, Hawai'i, September 22, 2009.





Alan C. Kay
Sr. United States District Judge

G. v. Hawai'i, Dep't of Human Servs., Civ. Nos. 08-00551 ACK-BMK & 09-00044
ACK-BMK: Order Granting Plaintiffs A.'s, S.'s, C.J.'s, and H.T.'s Motion for
Leave to Withdraw and for an Order Dismissing Their Claims Without Prejudice